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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,003

Applicant(s)

GONZALEZ LOPEZ ET AL.

Examiner

Kostas Katsikis

Art Unit

2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-72 is/are rejected.
- 7) ☒ Claim(s) 42, 43, 53, 54, 64 and 65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date 05/24/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Application filed on February 8, 2007, in which claims 37-72 are presented for examination.

Status of Claims

2. Claims 37-72 are pending, of which claims 37-72 are rejected under 35 U.S.C. 103. Claims 62-72 are also rejected under 35 U.S.C. 101. Claims 43-45, 54-56, and 65-67 are also rejected under 35 U.S.C. 112, second paragraph.

Information Disclosure Statement

4. The information disclosure statement, filed May 24, 2006 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, and the information referred to therein has been considered as to the merits.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities: Page 2, paragraph [0004], lines 5-8 of the detailed description recite, "This is commonly achieved by entering into the managed device a management order which **request** one or more management operations over one or more managed data objects said device holds". Page 2, paragraph [0004], lines 5-8 of the detailed description should recite, "This is commonly achieved by entering into the managed device a management order

which **requests** one or more management operations over one or more managed data objects said device holds”.

Appropriate correction is required.

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

8. Claims 42-43, 53-54, and 64-65 are objected to because of the following informalities:

Claims 42-43, 53-54, and 64-65 each recite the following limitation: “...among the first second and third management templates, according to”... Claims 42-43, 53-54, and 64-65 should recite, “...among the first, second, and third management templates, according to”...

Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 43-45, 54-56, and 65-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 43, 54, and 65, applicant recites, "...**a management access template**, among **the first second** and **third management templates**, according to an access attribute comprised in **another selected management access template**". It is not clear as to whether the **another selected management access template** is one of **the first second** and **third management templates**, or another separate **management access template**. Thus the metes and bounds of the claims cannot be understood as written.

Regarding claims 44-45, 55-56, and 66-67, applicant recites, "wherein **the identifier (ORID)** of an origin manager comprises at least one identifier selected from the group consisting of: "... There is no prior mention of any **identifier (ORID)** of an origin manger in any of the preceding parent claims. There is insufficient antecedent basis for this limitation in the claims. Thus the metes and bounds of the claims cannot be understood as written.

Art Unit: 2441

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claims 62-72 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 62-72, a "computer program" is cited. Applicant fails to define within the claims the embodied features and limitations on a tangible computer readable medium such as a hard drive, disks, displays, and other hardware elements. Thus, the "computer program" is functional descriptive material per se and hence nonstatutory.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 37-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (United States Patent Application Publication No. US 2002/0116485 A1), hereinafter "Black" in view of Esko Freese (International Patent

Application Publication No. WO 02/19116 A2), hereinafter “Freese”.

Regarding claims 37, 51, and 62, **Black** discloses an apparatus for mediating in management orders between a plurality of origin managers and a plurality of managed devices in a telecommunications system, the management orders intended to execute management operations over the managed devices, comprising:

a communication receiver component arranged to receive a management order from an origin manager (*wherein templates may be originated in OSS client and relayed to and received in NMS servers*) (**Black, FIG. 3b and 3h-3i combined, paragraphs [0408]-[0416]**);

a management access template, the management access template being one selected from the group consisting of: a first management access template in relationship with an identifier of the origin manager (*wherein network manager may need to supply username and password upon establishing connection with OSS client, NMS server, and corresponding network device*) (**Black, FIG. 3i, paragraphs [0415]-[0416]**); a second management access template in relationship with an identifier of a managed data object affected by the management order (*wherein flexible naming procedure is used to derive and identify objects with which processes need to communicate with*) (**Black, FIG. 1, paragraph [0442]**); and a third management access template in relationship with an identifier of a managed device affected by the management order (*wherein IP address and/or (DNS) name is provided for host lookup used to determine IP address for accessing corresponding network device*) (**Black, FIG.**

3i, paragraphs [0415]-[0416]); and

a communication sender component arranged to send an allowed management order to a managed device (*wherein NMS server relays template with instructions to corresponding network device*) (**Black, FIG. 3b and 3h-3i combined, paragraphs [0408]-[0416]**).

Black does not explicitly disclose a management verifier component arranged to determine whether the received management order is an allowed management order by checking whether the management order fits an access attribute.

However **Freese** discloses a management verifier component arranged to determine whether the received management order is an allowed management order by checking whether the management order fits an access attribute (*wherein operator initiates sending of instruction from originating management console, containing identity of application to be controlled, and is cryptographically signed for authentication*) (**Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**).

Black and **Freese** are analogous art because they are from the same problem solving area, namely, management of client devices in telecommunications networks.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of **Black** and **Freese** before him or her, to modify the telecommunications management apparatus of **Black**, to include the cryptographic-authenticating-instruction functionality of **Freese**, with reasonable expectation that this would result in a system that guaranteed the security and reliability of received management instructions, without the requirement of special secure network

management protocols such as SNMP Version 3, thereby allowing any compatible network management protocol to be used and not a specially enhanced version having built-in encryption and security. This approach to improving the telecommunications management apparatus of **Black** was well within the ordinary ability of one of ordinary skill in the art based on the teachings of **Freese**.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of **Black** and **Freese** to obtain the invention as specified in claim 37.

Claim 62 includes a computer program for performing the limitations substantially as described in claim 37. **Black-Freese** discloses a computer program for mediating from a computer-based apparatus in management orders between a plurality of origin managers and a plurality of managed devices in a telecommunications system for performing the limitations substantially as described in claim 37 (*wherein computer system in telecommunications network with plurality of origin managers and plurality of managed devices includes centralized processor with control processor subsystem that executes instance of the kernel including master control and server programs to actively control system operation by performing major portion of control functions*) (**Black, FIG. 1, and FIG. 2a-2b, paragraphs [0103]-[0110], [0112]-[0118], and [0125]-[0126]**). The motivation regarding the obviousness of claim 37 is also applied to claim 62; therefore, claim 62 is rejected under the same rationale.

Additionally, claim 51 recites a method for mediating in the management of a plurality of devices from a plurality of origin managers that performs the limitations

substantially as described in claims 37 and 62 and is rejected for similar reasons.

Regarding claim 38, **Black-Freese** discloses the apparatus of claim 37, wherein the first management access template further comprises at least one access attribute selected from the group consisting of: an identifier of an allowed management operation (*wherein instruction is identified with cryptographic signature*) (**Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**); an identifier of an allowed managed data object; a pattern structure of the managed data object; an identifier of an allowed managed device; an identifier of an allowed management operation over an allowed managed device; and an identifier of an allowed management operation over an allowed managed data object. The motivation regarding the obviousness of claim 37 is also applied to claim 38.

Regarding claim 39, **Black-Freese** discloses the apparatus of claim 37, wherein the second management access template further comprises at least one access attribute selected from the group consisting of: a pattern structure of the managed data object; an identifier of an allowed management operation (*wherein instruction is identified with cryptographic signature*) (**Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**); an identifier of a managed device holding the managed data object; an identifier of an allowed origin manager; an identifier of an allowed management operation from an allowed origin manager; and an identifier of an allowed management operation over a holding managed device. The motivation regarding the obviousness of claim 37 is also

applied to claim 39.

Regarding claim 40, **Black-Freese** discloses the apparatus of claim 37, wherein the third management access template comprises at least one access attribute selected from the group consisting of: an identifier of an allowed management operation (*wherein instruction is identified with cryptographic signature*) (**Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**); an identifier of a managed data object held on the managed device; an identifier of an allowed origin manager; an identifier of an allowed management operation from an allowed origin manager; and an identifier of an allowed management operation over a held managed data object. The motivation regarding the obviousness of claim 37 is also applied to claim 40.

Regarding claim 41, **Black-Freese** discloses the apparatus of claim 37, wherein the management verifier component is arranged to determine, from the identifier of a management operation, at least one identifier, the identifier being one selected from the group consisting of: an identifier of a managed data object affected by the operation; and an identifier of a managed device, affected by the operation (*wherein the header of the SMS message contains the phone number identifying the device affected by the operation*) (**Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**). The motivation regarding the obviousness of claim 37 is also applied to claim 41.

Regarding claim 42, **Black-Freese** discloses the apparatus of claim 37, wherein the management verifier component is arranged to select a management access template, among the first second and third management templates, according to an identifier received in a management order (*wherein a number of various management templates may be transmitted to NMS server from OSS client, templates with instructions may be selected after verified via verification component*) (**Black, FIG. 3b and 3h-3i combined, paragraphs [0408]-[0416], Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**). The motivation regarding the obviousness of claim 37 is also applied to claim 42.

Regarding claim 43, **Black-Freese** discloses the apparatus of claim 42, wherein the management verifier component is arranged to select a management access template, among the first second and third management templates, according to an access attribute comprised in another selected management access template (*wherein template may be selected and verified based on identification of authorized cryptographic signature, which is comprised in other templates*) (**Black, FIG. 3b and 3h-3i combined, paragraphs [0408]-[0416], Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**). The motivation regarding the obviousness of claim 37 is also applied to claim 43.

Regarding claim 44, **Black-Freese** discloses the apparatus of claim 42, wherein the identifier (ORID) of an origin manager comprises at least one identifier selected from

the group consisting of: an identifier of a management server sending a management order; and an identifier of a user operating the management server (*wherein network manager may need to supply username and password upon establishing connection with OSS client, NMS server, and corresponding network device*) (**Black, FIG. 3i, paragraphs [0415]-[0416]**); and

wherein the management verifier component is arranged to select the first management access template according to the at least one identifier (*wherein verifier selects management instructions upon verifying cryptographic signature*) (**Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**). The motivation regarding the obviousness of claim 37 is also applied to claim 44.

Regarding claim 45, **Black-Freese** discloses the apparatus of claim 42, wherein the identifier (ORID) of an origin manager comprises at least one identifier selected from the group consisting of: an identifier of a management server sending a management order; and an identifier of a user operating the management server (*wherein network manager may need to supply username and password upon establishing connection with OSS client, NMS server, and corresponding network device*) (**Black, FIG. 3i, paragraphs [0415]-[0416]**); and wherein the management verifier component is arranged to authenticate the at least one identifier (*wherein verifier selects management instructions upon verifying cryptographic signature*) (**Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**). The motivation regarding the obviousness of claim 37 is also

applied to claim 45.

Regarding claim 46, **Black-Freese** discloses the apparatus of claim 42, wherein the management verifier component is arranged to determine a management role associated to at least one identifier, the identifier being one selected from the group consisting of: an identifier of a management server sending a management order; and an identifier of a user operating the management server (*wherein network manager may need to supply username and password upon establishing connection with OSS client, NMS server, and corresponding network device*) (**Black, FIG. 3i, paragraphs [0415]-[0416]**). The motivation regarding the obviousness of claim 37 is also applied to claim 46.

Regarding claim 47, **Black-Freese** discloses the apparatus of claim 46, wherein the management verifier component is further arranged to select at least one management access template in relationship with the role (*wherein network manager may need to supply username and password upon establishing connection with OSS client, NMS server, and corresponding network device, verifier selects management instructions upon verifying cryptographic signature*) (**Black, FIG. 3i, paragraphs [0415]-[0416], Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**). The motivation regarding the obviousness of claim 37 is also applied to claim 47.

Regarding claim 48, **Black-Freese** discloses the apparatus of claim 46, wherein at least one management access template among the second or third management templates comprises an identifier (ROm) of at least one role as an access attribute, and wherein the Management Verifier Component is further arranged to check whether the management order fits with the role (*wherein batch templates may contain names of control templates to cause OSS client to issue calls to NMS server affecting corresponding network device, authorized network manager non-interactively completing provisioning tasks and building custom services*) (**Black, FIG. 3b, paragraphs [0410]-[0411]**). The motivation regarding the obviousness of claim 37 is also applied to claim 48.

Regarding claim 49, **Black-Freese** discloses the apparatus of claim 37, wherein the management verifier component is arranged to determine whether a managed data object affected by an allowed management order is an access attribute in a management access template, and further comprising a management execution component, arranged to execute a management operation over the access attribute (*wherein templates comprise various parameter values which affect data objects, may be provisioned by network managers upon establishing connections with NMS server and network devices, while verifier component verifies and determines whether object is known attribute, (i.e., antivirus signatures previously identified and stored in database, used to identify viruses in scanned data), upon authentication, management agent may update signature database and execute instruction*) (**Freese, FIG. 1-2, page 6, lines**

17-26). The motivation regarding the obviousness of claim 37 is also applied to claim 49.

Regarding claim 50, **Black-Freese** discloses the apparatus of claim 37, wherein the communication receiver component is further arranged to receive an access request from an origin manager (*wherein NMS server issues provisioning requests for template in response to calls from OSS client*) (**Black, FIG. 3h, paragraph [0414]**);

wherein the management verifier component is further arranged to determine the first management access template (*wherein verifier component determines whether instruction is authorized*) (**Freese, FIG. 1-FIG. 2, page 5, line 23-page 6, line 9**); and

wherein the communication sender component is further arranged to send an access response to the origin manager that comprises an access attribute of the management access template (*wherein network manger may send command to interactive interpreter to cause OSS client to display available and acceptable parameter values for each template*) (**Black, FIG. 3i, paragraphs [0417]-[0418]**). The motivation regarding the obviousness of claim 37 is also applied to claim 50.

Claims 52-61 are corresponding method claims of apparatus claims 41-50; therefore, they rejected under the same rationale.

Claims 63-72 are corresponding computer program claims of apparatus claims 41-50; therefore, they are rejected under the same rationale.

Conclusion

15. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kostas Katsikis whose telephone number is (571)270-5434. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571)272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kostas Katsikis/
Examiner
Art Unit 2441

June 16, 2009

/Wing F. Chan/
Supervisory Patent Examiner, Art Unit 2441